

DISTRICT COURT OF THE VIRGIN ISLANDS
DIVISION OF ST. THOMAS & ST. JOHN

LAWRENCE CARTY, et al.,)	
)	
Plaintiff,)	
)	
v.)	Civil No. 1994-78
)	
KENNETH MAPP, et al.,)	
)	
Defendants.)	
)	

ATTORNEYS:

Eric Balaban

National Prison Project of the ACLU
Washington, DC
For the plaintiff Lawrence Carty,

Claude Earl Walker, Attorney General

Shari N D'Andrade, AAG

Carol Thomas-Jacobs, AAG

Virgin Islands Department of Justice
Christiansted, VI

For the defendant Governor Kenneth Mapp.

ORDER

GÓMEZ, J.

During the course of the November 28, 2018, quarterly evidentiary hearing in this matter, Lawrence Cary and similarly situated inmates (collectively "Carty") in the custody of the Virgin Islands Bureau of Corrections ("BOC"), argued that the Virgin Islands Government (the "GVI") was in breach of its obligation to develop an interim plan for the timely transfer of inmates in need of intermediate or inpatient care to appropriate stateside psychiatric facilities. At the conclusion of the

hearing, the total number of inmates at the BOC in need of intermediate or inpatient care was unclear. It was also unclear when the GVI intends to provide for the transfer of such inmates to appropriate psychiatric facilities, as well as the manner by which such transfers will be undertaken.

Indeed, while the GVI acknowledged 13 individuals in need of hospitalization, see Pls.' Quarterly Status Report, ECF No. 1052, at 8, the interim plan submitted by the GVI listed only 10 of the individuals in need of care. That discrepancy appears to have occurred because the GVI elected to release three individuals in need of psychiatric care to the public. *See id.*

The premises considered, it is hereby

ORDERED that no later than December 27, 2018, the Virgin Islands Government shall submit a brief addressing the following areas

- (1) the total number of inmates in need of intermediate or inpatient care at appropriate psychiatric facilities as of September 14, 2018, as well as the current custodial and procedural status of those inmates;
- (2) the dates certain by which the GVI will transfer each of those inmates to psychiatric facilities; and
- (3) for the 2018 calendar year, the number of inmates in need of intermediate or inpatient care at appropriate psychiatric facilities that have been released.

S_____
Curtis V. Gómez
District Judge